

### **ARTICLE 3:           EMPLOYEE RIGHTS**

- 3.1     Each employee shall have the right to form, join or assist any labor organization, or to refrain from any such activity, freely and without fear of penalty or reprisal, and each employee shall be protected in the exercise of such right. Except as otherwise provided, such rights include, but are not limited to, the right to:
- a.       Act for AFSA/FAS in the capacity of a representative and the right, in that capacity, to present the views of AFSA/FAS to heads of agencies and other officials of the Executive Branch of the Government, the Congress, or other appropriate authorities, and the public;
  - b.       Engage in collective bargaining with respect to conditions of employment through representatives chosen by employees.
- 3.2     An employee has the right to be represented by AFSA/FAS at any meeting with FAS Management or with anyone acting as an agent of FAS Management when the employee has any complaint concerning conditions of employment.
- 3.3     An employee has the right to be represented by a Union representative at all stages of a grievance, appeal or disciplinary action.
- 3.4     An employee also has, under his/her Weingarten Rights, the right to Union representation at any examination by the employer, or any agent of the employer, in connection with an investigation, if the employee reasonably believes that the examination may result in disciplinary action against the employee and the employee requests such representation.
- a.       If the employee makes a request for union representation, the Employer or agent acting on behalf of the Employer will:
    - 1.       Grant the request and allow a reasonable period of time for a AFSA/FAS representative to make himself/herself available for the interview;
    - 2.       Discontinue the interview; or
    - 3.       Offer the employee the choice between continuing the interview unaccompanied by a AFSA/FAS representative or having no interview.
  - b.       The Employer will provide written notice (e-mail is acceptable) of the “Weingarten Right” to bargaining unit members in October of each year. A copy of the notice will be placed on the FASTNET.

- c. When a Supervisor is aware of an investigatory meeting, s/he will notify the employee of his/her right to AFSA/FAS representation prior to, and no later than, the onset of any Management-initiated investigative meeting that may result in disciplinary action.
- 3.5 An employee has the right to seek AFSA/FAS representation or advice at any point in the EEO or grievance process. This does not preclude an employee from being represented by an attorney or other representative in any grievance proceeding under Chapter 11 of the Act, as amended, or exercising grievance or appeal rights established by law, rule, or regulation.
- 3.6 Employees covered by this Agreement may, without fear of penalty or reprisal, engage in the disclosure of non-classified and non-market sensitive information which the employee reasonably believes evidences a violation of law, rule, or regulation; or evidences mismanagement, a waste of funds, an abuse of authority, or a danger to health, morals or safety in accordance with applicable law and regulations.
- 3.7 Each employee has the right to file a complaint or grievance, act as a witness, and exercise any appeal or other right granted by law, rule, regulation, or this Agreement without fear of restraint, coercion, discrimination, or reprisal.
- 3.8 Employees shall have the right to conduct their private lives as they see fit, and to engage in outside activities and employment of their own choosing, in accordance with applicable law and Government-wide regulations.
- 3.9 Copies of the rules, regulations, and policies under which employees are obligated to work will be available at each office having primary responsibility for the program to which the regulations apply and will be made available to employees and AFSA/FAS upon request for review or copying. For example, regulations governing the delivery of the personnel program to employees will be available in the Servicing Personnel Office.
- 3.10 Employee counseling, cautions on conduct, unacceptable performance, or verbal warnings will be conducted in a manner and setting that protects the employee's dignity and confidentiality.
- 3.11 An employee may review all official records about him/herself upon request and shall be given copies of the records upon proper request. For a representative list of official files, and procedures to review files, see FASTNET. Records maintained on an employee that are not maintained on a permanent basis will be removed from official records in accordance with the Government's retention schedule unless otherwise specified in this Agreement. The records removed will be destroyed.

- 3.12 Employees have the right to use a reasonable amount of official time to meet with their Union representatives in accordance with Article 8 of this Agreement (Official Time and Union Representatives).
- 3.13 Each employee has the right to choose whether to participate in Federally-sanctioned charitable and/or investment activities including, but not limited to, the Combined Federal Campaign (CFC), Savings Bond drives, and the like, freely, without coercion, and without fear of reprisal. Each employee also has the right to have the choices s/he makes held in confidence.
- 3.14 Every employee has the right to a work space area sufficient to provide a productive work environment.
- 3.15 The Employee will be monitored only to determine unauthorized access or use of the computer system and to assist in specific investigations.